

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Judge Robert E. Blackburn**

Civil Case No. 09-cv-01419-REB-BNB

JAMES R. HEFFLIN,

Plaintiff,

v.

SLEETER DOVER, Executive Director, Wyoming State Bar,

Defendant.

**AMENDED ORDER ADOPTING RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE**

Blackburn, J.

On December 30, 2009, I entered an **Order Adopting Recommendation of the United States Magistrate Judge** [#13]. However, I neglected to address the magistrate judge's recommendation that this case be transferred to the United States District Court for the District of Wyoming.¹ I now vacate that order and enter this amended order to rectify the inadvertent oversight.

Once again, the matter before me is the **Recommendation of United States Magistrate Judge** [#12] filed December 2, 2009. No objections having been filed to the recommendation, I review it only for plain error. ***See Morales-Fernandez v.***

¹ Although the magistrate judge did not analyze the transfer issue, it is clear that Wyoming is a district "in which [the case] could have been brought." 28 U.S.C. § 1406(a); **see** 42 U.S.C. § 2000e-5(f)(3) (venue under Title VII proper, *inter alia*, "in any judicial district in the State in which the unlawful employment practice is alleged to have been committed").


Immigration & Naturalization Service, 418 F.3d 1116, 1122 (10th Cir. 2005).² Finding no such error in the magistrate judge's recommended disposition, I find and conclude that the recommendation should be approved and adopted.³

THEREFORE, IT IS ORDERED as follows:

1. That my **Order Adopting Recommendation of the United States Magistrate Judge** [#13] entered December 30, 2009, is **VACATED**;
2. That the **Recommendation of United States Magistrate Judge** [#12] filed December 2, 2009, is **APPROVED AND ADOPTED** as an order of this court;
3. That **Defendant's Motion To Dismiss** [#5] filed July 20, 2009, is **GRANTED**;
4. That plaintiff's claims against defendant are **DISMISSED WITHOUT PREJUDICE** for lack of venue in this district; and
5. That this case is **TRANSFERRED** to the United States District Court for the District of Wyoming.

Dated December 31, 2009, at Denver, Colorado.

BY THE COURT:


Robert E. Blackburn
United States District Judge

² This standard pertains even though plaintiff is proceeding *pro se* in this matter. ***Morales-Fernandez***, 418 F.3d at 1122.

³ In addition to the lack of venue in this district noted by the magistrate judge, I perceive that plaintiff's case also could be dismissed for lack of personal jurisdiction over defendant in Colorado.